APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,245	09/28/2000	Masahiro Ishiyama	197808US2RD	7469

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EXAMINER
BRANCOLINI, JOHN R

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/671,245	ISHIYAMA, MASAHIRO	
	Examiner	Art Unit	
	John R Brancolini	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 June 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>18 June 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This action in response to amendment filed June 18, 2004. Claims 8-14 were added,

claim 1-14 now pending.

Drawings

Objections to drawings withdrawn due to adding of figure 16.

Specification

Objections to specification withdrawn due to adding of figure 16.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete

for omitting essential elements. See MPEP § 2172.01. The omitted elements are: The

essential steps needed to continue the method claim as started in independent Claim 5.

Based on the structure of claim 7, the examiner is assuming the claim is a continuation

of the system claimed in Claim 6 for the purposes of prior art citing and referencing.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al.

(US Patent Number 6578066), hereinafter referred to as Logan.

In regards to claim 1, Logan discloses a domain name system inquiry apparatus
comprising:

- Current location information receiving means for receiving location information of
  the apparatus itself on a connected network (by resolving the request, the
  receiving means determines the location of a client on the network, col 10 lines
  52-57).

- Current location management means for storing location information received by
  said current location information receiving means (this information is temporarily
  stored for checking the information versus a table of server locations).

- Server information receiving means for receiving server information regarding a
  domain name system server to which an inquiry can be made, said server
  information including an IP address (The switch examines the hand-off table for
  determining a server to hand off to, col 10 lines 58-62, the table including IP
  addresses).

- Server management means for storing the server information received by said
  server information receiving means (a hand off table is stored for all the servers,
  col 10 lines 58-62 discusses the use of the table).

- Request receiving means for receiving an inquiry request to a domain name
  system server from a client (a request is received from a client, col 10 lines 52-
  57).

- Request transferring means for transferring the inquiry request received by said request receiving means to at least one domain name system server based on at least one of said location information and said server information (the switch determines a server to hand off the request to, transferring the inquiry, col 10 lines 58-62).

- Response receiving means for receiving a response to the inquiry request transferred by said request transferring means (numerous responses can be received and forwarded by the switch, col 10 line 62-65).

- Server information changing means for rewriting said server information when rewriting of said server information occurs by the response received by said response receiving means (col 5 line 60 – col 6 line 41 discusses the health tests including running the tests several times, thereby altering the results set each time)

- Request responding means for selecting a response result corresponding to said inquiry request based at least on the IP address included in the server information and for sending the selected response result to said client (an ordered list is sent to the client, with the most appropriate server being given priority, col 10 lines 58-65).

In regards to claim 2, Logan discloses a domain name system inquiry apparatus further comprising:

- Algorithm receiving means for receiving an algorithm for selecting said response result (a health check is done, which is an algorithmic examination of the network and the servers, col 5 line 60 – col 6 line 41).

- Algorithm management means for storing the algorithm received by said algorithm receiving means (the algorithm is stored by the checking system, tables I-IV show the details of the algorithms).

- Algorithm processing means for selecting the response result in said request responding means by using the algorithm stored in said algorithm management means (the results of the algorithmic expression are searched and the most appropriate response is found and forwarded to the client, col 10 lines 37-65).

In regards to claim 3, Logan discloses a domain name system inquiry method comprising:

- A first step of receiving the location information of an apparatus itself on a connected network (by resolving the request, the receiving means determines the location of a client on the network, col 10 lines 52-57).

- A second step of storing the location information received in said first step (this information is temporarily stored for checking the information versus a table of server locations).

- A third step of receiving server information regarding a domain name system server to which an inquiry can be made, said server information including an IP

address (The switch examines the hand-off table for determining a server to hand off to, col 10 lines 58-62, the table including IP addresses).

- A fourth step of storing the server information received in said third step (a hand off table is stored for all the servers, col 10 lines 58-62 discusses the use of the table).

- A fifth step of receiving an inquiry request to a domain name system server from a client (a request is received from a client, col 10 lines 52-57).

- A sixth step of transferring the inquiry request received in said fifth step to at least one domain name system server based on at least one of said location information and said server information (the switch determines a server to hand off the request to, transferring the inquiry, col 10 lines 58-62).

- A seventh step of receiving a response to the inquiry request transferred in said sixth step (numerous responses can be received and forwarded by the switch, col 10 line 62-65).

- An eighth step of rewriting said server information when rewriting of said server information occurs by the response received in said seventh step (col 5 line 60 – col 6 line 41 discusses the health tests including running the tests several times, thereby altering the results set each time)

- A ninth step of selecting a response result to said inquiry request based at least on the IP address included in the server information and sending the selected response result to said client (an ordered list is sent to the client, with the most appropriate server being given priority, col 10 lines 58-65).

In regards to claim 4, Logan discloses a domain name system inquiry method further comprising:

- A step for receiving an algorithm for selecting said response result (a health check is done, which is an algorithmic examination of the network and the servers, col 5 line 60 – col 6 line 41).

- A step for storing the algorithm received (the algorithm is stored by the checking system, tables I-IV show the details of the algorithms).

- A step for selecting the response result in said ninth step by using the algorithm stored (the results of the algorithmic expression are searched and the most appropriate response is found and forwarded to the client, col 10 lines 37-65).

In regards to claim 5, Logan discloses a computer-readable recording medium having a domain name system inquiry method recorded therein, the domain name system inquiry method comprising:

- A first step of receiving the location information of an apparatus itself on a connected network (by resolving the request, the receiving means determines the location of a client on the network, col 10 lines 52-57).

- A second step of storing the location information received in said first step (this information is temporarily stored for checking the information versus a table of server locations).

- A third step of receiving server information regarding a domain name system server to which an inquiry can be made, said server information including an IP address (The switch examines the hand-off table for determining a server to hand off to, col 10 lines 58-62, the table including IP addresses).

- A fourth step of storing the server information received in said third step (a hand off table is stored for all the servers, col 10 lines 58-62 discusses the use of the table).

- A fifth step of receiving an inquiry request to a domain name system server from a client (a request is received from a client, col 10 lines 52-57).

- A sixth step of transferring the inquiry request received in said fifth step to at least one domain name system server based on at least one of said location information and said server information (the switch determines a server to hand off the request to, transferring the inquiry, col 10 lines 58-62).

- A seventh step of receiving a response to the inquiry request transferred in said sixth step (numerous responses can be received and forwarded by the switch, col 10 line 62-65).

- An eighth step of rewriting said server information when rewriting of said server information occurs by the response received in said seventh step (col 5 line 60 – col 6 line 41 discusses the health tests including running the tests several times, thereby altering the results set each time)

- A ninth step of selecting a response result to said inquiry request based at least on the IP address included in the server information and sending the response

result to said client (an ordered list is sent to the client, with the most appropriate server being given priority, col 10 lines 58-65).

In regards to claim 6, Logan discloses a domain name system inquiry apparatus comprising:

- Current location information receiving mechanism configured to receive location information of the apparatus itself on a connected network (by resolving the request, the receiving means determines the location of a client on the network, col 10 lines 52-57).

- Current location management mechanism configured to store location information received by said current location information receiving mechanism (this information is temporarily stored for checking the information versus a table of server locations).

- Server information receiving mechanism configured to receive server information regarding a domain name system server to which an inquiry can be made, said server information including an IP address (The switch examines the hand-off table for determining a server to hand off to, col 10 lines 58-62, the table including IP addresses).

- Server management mechanism configured to store the server information received by said server information receiving mechanism (a hand off table is stored for all the servers, col 10 lines 58-62 discusses the use of the table).

- Request receiving mechanism configured to receive an inquiry request to a
  domain name system server from a client (a request is received from a client, col
  10 lines 52-57).

- Request transferring mechanism configured to transfer the inquiry request
  received by said request receiving mechanism to at least one domain name
  system server based on at least one of said location information and said server
  information (the switch determines a server to hand off the request to,
  transferring the inquiry, col 10 lines 58-62).

- Response receiving mechanism configured to receive a response to the inquiry
  request transferred by said request transferring mechanism (numerous
  responses can be received and forwarded by the switch, col 10 line 62-65).

- Server information changing mechanism configured to rewrite said server
  information when rewriting of said server information occurs by the response
  received by said response receiving mechanism (col 5 line 60 – col 6 line 41
  discusses the health tests including running the tests several times, thereby
  altering the results set each time)

- Request responding mechanism configured to select a response result
  corresponding to said inquiry request based at least on the IP address included
  in the server information and for sending the response result to said client (an
  ordered list is sent to the client, with the most appropriate server being given
  priority, col 10 lines 58-65).

In regards to claim 7, Logan discloses a domain name system inquiry apparatus according to claim 5, further comprising:

- Algorithm receiving mechanism configured to receive an algorithm for selecting said response result (a health check is done, which is an algorithmic examination of the network and the servers, col 5 line 60 – col 6 line 41).

- Algorithm management mechanism configured to store the algorithm received by said algorithm receiving means (the algorithm is stored by the checking system, tables I-IV show the details of the algorithms).

- Algorithm processing section mechanism configured to select the response result in said request responding means by using the algorithm stored in said algorithm management means (the results of the algorithmic expression are searched and the most appropriate response is found and forwarded to the client, col 10 lines 37-65).

In regards to claim 8, Logan discloses a domain name system inquiry apparatus comprising:

- Current location information receiving means for receiving location information of the apparatus itself on a connected network (by resolving the request, the receiving means determines the location of a client on the network, col 10 lines 52-57).

- Current location management means for storing location information received by said current location information receiving means (this information is temporarily stored for checking the information versus a table of server locations).

- Server information receiving means for receiving server information regarding a domain name system server to which an inquiry can be made, said server information including a failure counter (The switch examines the hand-off table for determining a server to hand off to, col 10 lines 58-62, the table using an algorithm to calculate server information including a server health test, which measures various times associated with the server, including throughput times and calculates levels considered to be potential failures, col 5 line 60 – col 6 line 41 discusses the health tests).

- Server management means for storing the server information received by said server information receiving means (a hand off table is stored for all the servers, col 10 lines 58-62 discusses the use of the table).

- Request receiving means for receiving an inquiry request to a domain name system server from a client (a request is received from a client, col 10 lines 52-57).

- Request transferring means for transferring the inquiry request received by said request receiving means to at least one domain name system server based on at least one of said location information and said server information (the switch determines a server to hand off the request to, transferring the inquiry, col 10 lines 58-62).

- Response receiving means for receiving more than one response to the inquiry
  request transferred by said request transferring means (numerous responses can
  be received and forwarded by the switch, col 10 line 62-65).

- Server information changing means for rewriting said failure counter based on at
  least one of the more than one response received by said response receiving
  means (col 5 line 60 – col 6 line 41 discusses the health tests including running
  the tests several times, thereby altering the results set each time)

- Request responding means for selecting a particular one response from the more
  than one response to the inquiry request based at least in part on the failure
  counter included in the server information and for sending the particular one
  response to said client (an ordered list is sent to the client, with the most
  appropriate server being given priority, col 10 lines 58-65).

In regards to claim 9, Logan discloses a domain name system inquiry apparatus, further
comprising:

- Algorithm receiving means for receiving an algorithm for selecting said particular
  one response result (a health check is done, which is an algorithmic examination
  of the network and the servers, col 5 line 60 – col 6 line 41).

- Algorithm management means for storing the algorithm received by said
  algorithm receiving means (the algorithm is stored by the checking system,
  tables I-IV show the details of the algorithms).

- Algorithm processing means for selecting said particular one response result in said request responding means by using the algorithm stored in said algorithm management means (the results of the algorithmic expression are searched and the most appropriate response is found and forwarded to the client, col 10 lines 37-65).

In regards to claim 10, Logan discloses a domain name system inquiry method comprising:

- Receiving location information of an apparatus itself on a connected network (by resolving the request, the receiving means determines the location of a client on the network, col 10 lines 52-57).

- Storing the received location information (this information is temporarily stored for checking the information versus a table of server locations).

- Receiving server information regarding a domain name system server to which an inquiry can be made, said server information including a failure counter (The switch examines the hand-off table for determining a server to hand off to, col 10 lines 58-62, the table using an algorithm to calculate server information including a server health test, which measures various times associated with the server, including throughput times and calculates levels considered to be potential failures, col 5 line 60 – col 6 line 41 discusses the health tests).

- Storing the received server information (a hand off table is stored for all the servers, col 10 lines 58-62 discusses the use of the table).

- Receiving an inquiry request to a domain name system server from a client (a

    request is received from a client, col 10 lines 52-57).

- Transferring the received inquiry request to at least one domain name system

    server based on at least one of said location information and said server

    information (the switch determines a server to hand off the request to,

    transferring the inquiry, col 10 lines 58-62).

- Receiving more than one response to the transferred inquiry request (numerous

    responses can be received and forwarded by the switch, col 10 line 62-65).

- Rewriting said failure counter based on at least one of the more than one

    received response (col 5 line 60 – col 6 line 41 discusses the health tests

    including running the tests several times, thereby altering the results set each

    time)

- Selecting a particular one response from the more than one received response

    based at least in part on the failure counter included in the server information and

    sending the particular one response result to said client (an ordered list is sent to

    the client, with the most appropriate server being given priority, col 10 lines 58-

    65).

In regards to claim 11, Logan discloses a domain name system inquiry method, further

comprising:

- Receiving an algorithm for selecting said particular one response result (a health check is done, which is an algorithmic examination of the network and the servers, col 5 line 60 – col 6 line 41).

- Storing the received algorithm (the algorithm is stored by the checking system, tables I-IV show the details of the algorithms).

- Selecting the particular one response result by using the stored algorithm (the results of the algorithmic expression are searched and the most appropriate response is found and forwarded to the client, col 10 lines 37-65).

In regards to claim 12, Logan discloses a computer-readable recording medium having a domain name system inquiry method recorded therein, the domain name system inquiry method comprising:

- Receiving the location information of an apparatus itself on a connected network (by resolving the request, the receiving means determines the location of a client on the network, col 10 lines 52-57).

- Storing the received location information (this information is temporarily stored for checking the information versus a table of server locations).

- Receiving server information regarding a domain name system server to which an inquiry can be made, said server information including a failure counter (The switch examines the hand-off table for determining a server to hand off to, col 10 lines 58-62, the table using an algorithm to calculate server information including a server health test, which measures various times associated with the server,

including throughput times and calculates levels considered to be potential

failures, col 5 line 60 – col 6 line 41 discusses the health tests).

- Storing the received server information (a hand off table is stored for all the

  servers, col 10 lines 58-62 discusses the use of the table).

- Receiving an inquiry request to a domain name system server from a client (a

  request is received from a client, col 10 lines 52-57).

- Transferring the received inquiry request lo at least one domain name system

  server based on at least one of said location information and said server

  information (the switch determines a server to hand off the request to,

  transferring the inquiry, col 10 lines 58-62).

- Receiving more than one response to the transferred inquiry request (numerous

  responses can be received and forwarded by the switch, col 10 line 62-65).

- Rewriting said failure counter based on at least one of the more than one

  received response (col 5 line 60 – col 6 line 41 discusses the health tests

  including running the tests several times, thereby altering the results set each

  time)

- Selecting a particular one response from the more than one received response

  based at least in part on the failure counter included in the server information and

  sending the particular one response result to said client (an ordered list is sent to

  the client, with the most appropriate server being given priority, col 10 lines 58-

  65).

In regards to claim 13, Logan discloses a domain name system inquiry apparatus
comprising:

- A current location information receiving mechanism configured to receive location
  information of the apparatus itself on a connected network (by resolving the
  request, the receiving means determines the location of a client on the network,
  col 10 lines 52-57).

- A current location management mechanism configured to store location
  information received by said current location information receiving mechanism
  (this information is temporarily stored for checking the information versus a table
  of server locations)

- A server information receiving mechanism configured to receive server
  information regarding a domain name system server to which an inquiry can be
  made, said server information including a failure counter (The switch examines
  the hand-off table for determining a server to hand off to, col 10 lines 58-62, the
  table using an algorithm to calculate server information including a server health
  test, which measures various times associated with the server, including
  throughput times and calculates levels considered to be potential failures, col 5
  line 60 – col 6 line 41 discusses the health tests)

- A server management mechanism configured to store the server information
  received by said server information receiving mechanism (a hand off table is
  stored for all the servers, col 10 lines 58-62 discusses the use of the table).

- A request receiving mechanism configured to receive an inquiry request to a domain name system server from a client (a request is received from a client, col 10 lines 52-57).

- A request transferring mechanism configured to transfer the inquiry request received by said request receiving mechanism to at least one domain name system server based on at least one of said location information and said server information (the switch determines a server to hand off the request to, transferring the inquiry, col 10 lines 58-62).

- A response receiving mechanism configured to receive more than one response to the inquiry request transferred by said request transferring mechanism (numerous responses can be received and forwarded by the switch, col 10 line 62-65).

- A server information changing mechanism configured to rewrite said failure counter based on at least one of the more than one response received by said response receiving mechanism (col 5 line 60 – col 6 line 41 discusses the health tests including running the tests several times, thereby altering the results set each time)

- A request responding mechanism configured to select a particular one response from the more than one response to said inquiry request based at least in part on the failure counter included in the server information and for sending the particular one response to said client (an ordered list is sent to the client, with the most appropriate server being given priority, col 10 lines 58-65).

In regards to claim 14, Logan discloses a domain name system inquiry apparatus,

further comprising:

- An algorithm receiving mechanism configured to receive an algorithm for

  selecting said particular one response result (a health check is done, which is an

  algorithmic examination of the network and the servers, col 5 line 60 – col 6 line

  41).

- An algorithm management mechanism configured to store the algorithm received

  by said algorithm receiving mechanism (the algorithm is stored by the checking

  system, tables I-IV show the details of the algorithms).

- An algorithm processing mechanism configured to select the particular one

  response result in said request responding mechanism by using the algorithm

  stored in said algorithm management mechanism (the results of the algorithmic

  expression are searched and the most appropriate response is found and

  forwarded to the client, col 10 lines 37-65).

Response to Arguments

Applicants including of both including an IP address with the exchanged server

information, as well as maintaining a failure counter has necessitated a new art search.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

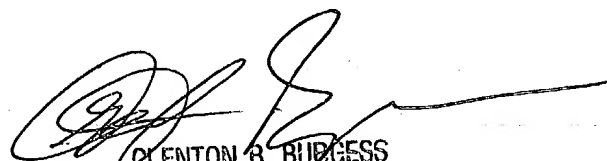than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John R Brancolini whose telephone number is (703)

305-7107. After October 18, the examiner can be reached at (571) 272-3948. The

examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JRB

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